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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,606	01/22/2001	Kenneth K. Smith	10001436-1	2527
22879	7590	06/03/2004	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			HOFFMAN, BRANDON S	
			ART UNIT	PAPER NUMBER
			2136	

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/767,606	<b>Applicant(s)</b> SMITH, KENNETH K.	
	<b>Examiner</b> Brandon Hoffman	<b>Art Unit</b> 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:

- On page 7, line 29, "form" should be ~~from~~.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6, 9-13, and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Nevis et al. (U.S. Patent No. 6,581,159).

Regarding claims 1, 9, and 16, Nevis et al. teaches in combination with a computer system having a special modifiable memory in which is loaded an original code set, a method for maintaining the integrity of the contents of that modifiable memory when the system attempts to overwrite the contents with a different code set ([A method for preventing malicious and defective overwrites of a basic input/output system (BIOS) code of a computer system where said BIOS code is stored in modifiable

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memory] or [A method for ensuring that only an accurate copy of an authorized correct code set containing data and/or instructions crucial to the proper functioning of a computer system can be written to a modifiable memory of that computer]), said methods comprising the steps of:

- Providing a one-way algorithm which acts on a replacement code set and generates a security key unique to the replacement code set (col. 5, lines 10-15),
  - Said algorithm being maintained confidential by the provider of the replacement code set (col. 4, lines 63-67);
- Providing the security key in combination with distributions of the replacement code set (col. 5, lines 15-19);
- Providing a memory controller having an embedded copy of the algorithm (fig. 1, ref. num 125),
  - Said memory controller causing a tendered code set, which the computer system attempts to write into the modifiable memory, to be acted on by the embedded copy, thereby generating a local key (fig. 1, ref. num 130 and 140);
- Comparing the local key with the security key (col. 5, lines 15-22);
- Allowing the contents of the modifiable memory to be overwritten only if the local key matches the security key (col. 5, lines 22-37).

Regarding claim 2, Nevis et al. teaches wherein said original code set contains data and/or instructions crucial to the proper functioning of the computer system (col. 4, lines 57-60).

Regarding claims 3, 4, 10, 11, and 17, Nevis et al. teaches wherein the computer system also includes a microprocessor and a main memory, and wherein said tendered code is loaded into said main memory and said microprocessor executes said algorithm thereon, calculates a local key, compares the security key to the local key, and provides the results of the comparison to the memory controller (col. 5, line 66 through col. 6, line 7).

Regarding claims 5, 6, 12, 13, and 18, Nevis et al. teaches wherein said memory controller further includes an on-chip special-purpose processor and an on-chip non-modifiable memory for storing said algorithm, and access to said non-modifiable memory is limited to said special-purpose processor, and wherein said special-purpose processor loads said algorithm from said non-modifiable memory, calculates a local key for the different code, and compares the local key with the security key (col. 5, lines 4-10 and lines 19-27).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 8, 14, 15, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nevis et al. (U.S. Patent No. 6,581,159).

Regarding claims 7, 8, 14, 15, 19, and 20, Nevis et al. teaches all the limitations of claims 1, 9, and 16, respectively, above. However, Nevis et al. does not specifically teach wherein said algorithm employs modular arithmetic or a cyclic redundancy check.

Nevis et al. does suggest a plethora of different algorithms that could be used (col. 3, lines 6-9). Nevis et al. is impartial to the exact algorithm for this invention.

It would have been obvious to use modular arithmetic or a cyclic redundancy check as the selected algorithm. It would have been obvious to use modular arithmetic or a cyclic redundancy check as the selected algorithm because the mere use of any one particular algorithm is exclusively dependent on the application, i.e., if space is of concern – as it is in the case of BIOS – a simpler algorithm should be used. If space were of no concern, as much more robust algorithm should be used to provide maximum protection against hacking.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon Hoffman whose telephone number is 703-305-4662. The examiner can normally be reached on M-F 8:30 - 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Branla Hef*

BH

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